

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

MARIE SMYERS,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 05-CV-123-JM
)	
UNUM LIFE INSURANCE)	
COMPANY OF AMERICA,)	
)	
Defendant)	

Now come the Plaintiff, Marie Smyers, and the Defendant, UNUM Life Insurance Company of America, in the above-entitled matter and hereby stipulate and agree, pursuant to Fed. R. Civ. P. 41, that the above-entitled action, including all counts of the Complaint, and all claims and counterclaims which actually were asserted or which could have been asserted, shall be dismissed with prejudice, without costs to any party, and waiving all rights of appeal.

Respectfully submitted,

MARIE SMYERS
By Her Attorney,

UNUM LIFE INSURANCE
COMPANY OF AMERICA
By Its Attorney,

/s/ Vicki S. Roundy
Vicki S. Roundy, Esquire
Roundy Law Offices
42 Littleworth Road
Dover, NH 03820
(603) 743-4800

/s/ Byrne J. Decker
Byrne J. Decker, Esquire
Pierce Atwood
One Monument Square
Portland, ME 04101
(207) 791-1100

DATED: September 12, 2005